UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CN.10/194
21 April 1997

ORIGINAL: ENGLISH

DISARMAMENT COMMISSION
1997 substantive session
21 April-3 May, New York
Agenda item 6

GUIDELINES ON CONVENTIONAL ARMS CONTROL/LIMITATIONS AND DISARMAMENT, WITH PARTICULAR EMPHASIS ON CONSOLIDATION OF PEACE IN THE CONTEXT OF GENERAL ASSEMBLY RESOLUTION 51/45 N

Working paper submitted by Germany and other sponsors of General Assembly resolution 51/45 N

I. INTRODUCTION

1. The title of agenda item 6 of the Disarmament Commission at its 1997 session refers directly to General Assembly resolution 51/45 N of 10 December 1996 entitled "Consolidation of peace through practical disarmament measures", which was adopted by consensus and co-sponsored by delegations from different regions. The major objective of the resolution was to stress the importance of certain practical disarmament measures for the maintenance and consolidation of peace and security, especially in areas that had suffered from conflict, and to aim, in an integrated manner, at concrete suggestions and recommendations as to how to deal with the numerous, mainly small arms related, problems in post-conflict environments. It has been the declared objective to strive, to the maximum possible and based on experience gained from previous cases, at tangible results that would directly benefit the populations in such conflict areas. Following that rationale, it is suggested that the Disarmament Commission adopt a similar approach in its deliberations on the guidelines.

2. This approach seems to be in line with the understanding of former Secretary-General Boutros Boutros-Ghali in his reports entitled "An Agenda for Peace"[1] and "Supplement to an Agenda for Peace", in which he stressed, inter alia, the urgent need for "practical disarmament in the context of conflicts the United Nations is actually dealing with and of weapons, most of them light weapons, that are actually killing people in the hundreds of

thousands".[2] With regard to practical disarmament measures, the Secretary-General stated furthermore that "the assembly, control and disposal of weapons has been a central feature of most of the comprehensive peace settlements in which the United Nations has played a peacekeeping role".[3] Implementation of these practical disarmament measures, to which the Secretary-General referred, has often proved difficult to accomplish in practice.

3. General Assembly resolution 51/45 N is a new resolution and the Disarmament Commission will deal in 1997 with its concept for the first time, to be followed, as a rule, by two more consecutive sessions. The purpose of the present paper therefore is to suggest a few basic areas of small arms related problems as a framework for discussions to be started at the 1997 session and possibly leading to tangible results in the following sessions. A set of consensus guidelines could indeed provide valuable assistance to international organizations, Member States and non-governmental organizations in their efforts to control small arms related problems following conflict and to tackle the basic needs for lasting consolidation of peace in areas concerned.

4. Following the provisions of General Assembly resolution 51/45 N, the present paper concentrates on practical disarmament measures such as the collection, control and disposal of small arms and light weapons, coupled with restraint over the production and procurement as well as transfers of such arms, the demobilization and reintegration of former combatants, demining and conversion and their importance for the maintenance and consolidation of peace and security in areas that have suffered from conflict. It is understood that the set of proposed measures as listed below is far from being exhaustive and has to be adapted to the specific nature of each conflict.

5. Following the above-mentioned approach, practical disarmament measures are understood to be small arms and light weapons related measures that directly benefit the populations suffering or having suffered from conflict and its consequences. For the purpose of the present paper, small arms and light weapons (including related ammunition) are understood to be limited in weight and calibre, and thus not included in the United Nations Register of Conventional Arms (this should at some point be compared with the definitions worked out in the Small Arms Expert Panel).

II. PROBLEM AREAS WHERE PRACTICAL DISARMAMENT MEASURES CAN HAVE AN IMMEDIATE IMPACT

A. Disarmament, demobilization and reintegration of combatants

6. Disarmament, demobilization and reintegration of combatants have to be seen in the wider political framework of conflict resolution and will, in a post-conflict environment, only succeed in a climate of mutual confidence. They will, in the process of post-conflict peacebuilding, also contribute to preventing the reemergence of conflicts.

7. A sound peace agreement which is generally accepted by the parties as a fair and just compromise respecting basic human, political and economic rights is the best basis for subsequent efforts to disarm, demobilize and reintegrate

combatants. Such measures can be most effectively pursued if explicitly agreed upon since consent of the parties is essential to the effective implementation of those measures. To the extent possible, special provisions for disarmament, demobilization, reintegration and the creation of new unified armed security forces (integrating the opposition forces) should therefore be agreed upon in the course of negotiations leading to a formal peace agreement. Such provisions should include precise prescriptions for the collection, dismantlement and disposal of excess arms not needed for national security forces once the peace settlement is implemented. It is of equal importance to include specific references in the respective mandates of peacekeeping operations and to foresee explicit provisions for the transition to the post-conflict phase.

8. Lasting success in disarmament and demobilization depends on the extent to which former warring parties and individuals believe that their physical and economic security is maintained even after relinquishing their arms and abandoning what for many was not just an activity but also a way of life. This requires the establishment of a minimum of police authority.

9. Disarmament, demobilization and reintegration are interrelated. Demobilization is only possible when there is at least a certain degree of disarmament. Similarly, the success of demobilization efforts is contingent upon effective rehabilitation of former combatants and the integration into civilian life or the restructured army.

10. The above process has to be planned and prepared well in advance and implemented in a systematic way. Effective implementation will often require appropriate levels of human and financial resources. Without such early and systematic implementation, armies might start to disintegrate before formal demobilization is organized in an orderly manner, leading, inter alia, to new problems of armaments control.

11. Above all the security of the assembly areas must be ensured. In addition, appropriate infrastructure and provisions (i.e., health care, nutrition, housing) for former combatants should be in place for a determinate period during the consolidation phase. The international community and humanitarian organizations on the ground must be prepared to meet emergency requirements. They need commensurate logistic resources.

12. Transparency of the arms collection process is vital. Storage sites should preferably be guarded by an external military presence on a mandatory basis.

13. Requirements for new security forces should be precisely defined. All other weapons should be declared excess and destroyed, preferably in public and as expeditiously as possible. Provision may also be made for international verification of the destruction process.

14. United Nations missions should be equipped with sufficient standard mobile equipment for small arms destruction. Such equipment is low-cost and should be regularly introduced into theatre operations at an early stage.

15. Reintegration efforts have been most successful where they have been community-based and have involved demobilized combatants directly in the planning and implementation of programmes.

16. Professional opportunities (training, occupation) have to be created for demobilized soldiers so that they do not return to their armies or take up banditry. Long-term success, however, will depend on the economic and political rehabilitation of the country as a whole.

17. An effective independent public information campaign is needed to ensure that combatants and civilians have confidence in the disarmament, demobilization and reintegration programme and in the peace process in general.

B. Demining

18. Demining is one of the most critical challenges in post-conflict environments. The tremendous humanitarian problem caused by mines and other unexploded devices can have serious and lasting social and economic consequences for the populations of mine-infested countries and constitutes an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations and to reconstruction and economic development, as well as to the restoration of normal social conditions.

19. Provisions for demining should be, wherever necessary, an explicit element and an integral part of peacekeeping mandates.

20. The international community, with particular responsibility of States involved in the deployment of mines, can play an important role in assisting mine clearance in affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby-traps.

21. In the context of United Nations demining, coordination and a clear delineation of responsibilities between all relevant agencies should be further improved so as to avoid duplication of efforts and to guarantee a coherent and integrated approach towards the whole range of short and long-term, operational and humanitarian demining needs.

22. Demining activities should focus on the creation and strengthening of local demining capabilities and mine awareness programmes. States that receive assistance in mine clearance are under a particular expectation to abstain from laying new mines.

23. Mechanical mine-clearance systems can help to make demining faster, safer and more cost-effective. They should become an integral part of the toolbox.

C. Further stabilizing and confidence-building measures to consolidate peace and security

24. In addition to demobilizing and reintegrating combatants and demining, post-conflict consolidation of peace must also address the excessive and therefore potentially destabilizing accumulation of small arms and light weapons typically found in countries after long (internal) conflicts. The following measures are proposed in the interest of consolidating national security, preventing further regional proliferation and combatting illicit arms trafficking (thereby contributing essentially to conflict prevention in the process of post-conflict peace-building).

1. National

Collection and control of weapons

25. Weapons turn-in programmes, also known as buy-back programmes, can provide incentives (preferably in-kind benefits) to turn weapons in. They also may offer amnesty to those turning their weapons in. United Nations operation have shown that these programmes, although rather costly, can indeed achieve their objective - if adequately funded.

26. Incentive programmes should also be created for combatants and civilians to indicate weapons and munitions caches and storage sites.

27. Strategies for effective weapons seizure programmes resulting in a decline in armed violence should be further developed. This requires both a cooperative attitude to create trust and confidence among the parties, and the capability to proceed against reticent subordinate units, irregular forces, and organized banditry to ensure that weapons seizure missions can be completed successfully, without violent clashes.

28. States should ensure that they have an adequate system of national laws and/or regulations and administrative procedures to exercise effective control over armaments and the export and import of arms in order, among other goals, to prevent illicit arms trafficking. States emerging from conflict should hence, as soon as practicable, impose licensing requirements for all weapons holdings.

29. States should train adequate numbers of security forces for the effective implementation and enforcement of their armaments control policies who must exercise their duties with full respect of human and civil rights. In this context the elaboration of a national code of conduct for security forces is recommended.

Conversion

30. Military resources (including respective production facilities) exceeding the legitimate security requirements should be converted - if possible - to civilian use or destroyed.

2. Regional

Control of weapons

31. States receiving arms have a responsibility to seek to ensure:

(a) That the quantity and the level of sophistication of their arms imports are commensurate with their legitimate self-defence and security requirements;

(b) That they do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms.

32. In general, arms-producing or supplier States have a responsibility to seek to ensure that the quantity and level of sophistication of exported arms do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms. They have a particular responsibility to ensure that arms transfer to countries in the state of peace consolidation correspond strictly with the stipulations in the respective peace agreement, with the policy of the State concerned, and with whatever regional agreements which have been concluded.

33. States in the neighbourhood of a State in the course of peace consolidation should closely cooperate sharing customs and intelligence information on the storage and the movement of arms. They should consider coordinated and enforced border controls in order to prevent illicit arms trafficking in and out of the country concerned. They should also set up joint programmes for the destruction of excess weaponry intercepted in this activity.

34. States should intensify international cooperation in the relevant field of criminal law. They should assist each other in the development and enforcement of effective national controls, with a view to curbing the evasion of justice by illicit arms traffickers.

Regional arms registers, regional arms control

35. As a confidence-building measure, in addition to the existing United Nations Register of Conventional Arms, States should be encouraged to create regional arms registers focusing in particular on small arms and light weapons.

36. States should strive for regional arms control and confidence-building agreements aiming at the prevention and reduction of excessive and destabilizing accumulation of weapons.

3. Global: control of weapons

37. The United Nations has an important role to play in the field of international arms transfers and the eradication of illicit arms trafficking in accordance with its overall purposes and principles. The cooperation of the international community, however, is essential for the United Nations to be successful in these endeavours.

38. The United Nations should follow up the arms control process during peace consolidation and where possible assist the State concerned in its efforts to promote the process of controlling, collecting and destroying small arms/light weapons and related ammunition.

III. OPERATIONAL FOLLOW-UP

39. Once these guidelines are adopted, the Secretary-General should prepare an annual progress report on the implementation of the guidelines for consolidation of peace through practical disarmament measures on the basis of information received by Member States.

Notes

[1] A/47/277-S/24111.

[2] A/50/60-S/1995/1, para. 60.

[3] Ibid., para. 62.